



Rep. JoAnn D. Osmond

Filed: 3/6/2013

09800HB0160ham002

LRB098 02682 NHT 42413 a

1 AMENDMENT TO HOUSE BILL 160

2 AMENDMENT NO. _____. Amend House Bill 160 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 17-2A as follows:

6 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

7 Sec. 17-2A. Interfund Transfers.

8 (a) The school board of any district having a population of
9 less than 500,000 inhabitants may, by proper resolution
10 following a public hearing set by the school board or the
11 president of the school board (that is preceded (i) by at least
12 one published notice over the name of the clerk or secretary of
13 the board, occurring at least 7 days and not more than 30 days
14 prior to the hearing, in a newspaper of general circulation
15 within the school district and (ii) by posted notice over the
16 name of the clerk or secretary of the board, at least 48 hours

1 before the hearing, at the principal office of the school board
2 or at the building where the hearing is to be held if a
3 principal office does not exist, with both notices setting
4 forth the time, date, place, and subject matter of the
5 hearing), transfer money from (1) the Educational Fund to the
6 Operations and Maintenance Fund or the Transportation Fund, (2)
7 the Operations and Maintenance Fund to the Educational Fund or
8 the Transportation Fund, or (3) the Transportation Fund to the
9 Educational Fund or the Operations and Maintenance Fund of said
10 district, provided that, except during the period from July 1,
11 2003 through June 30, 2016 ~~2013~~, such transfer is made solely
12 for the purpose of meeting one-time, non-recurring expenses.
13 Except during the period from July 1, 2003 through June 30,
14 2016 and except as otherwise provided in subsection (b) of this
15 Section ~~2013~~, any other permanent interfund transfers
16 authorized by any provision or judicial interpretation of this
17 Code for which the transferee fund is not precisely and
18 specifically set forth in the provision of this Code
19 authorizing such transfer shall be made to the fund of the
20 school district most in need of the funds being transferred, as
21 determined by resolution of the school board.

22 (b) Notwithstanding subsection (a) of this Section or any
23 other provision of this Code to the contrary, the school board
24 of any school district (i) that is subject to the Property Tax
25 Extension Limitation Law, (ii) that has a population of less
26 than 500,000 inhabitants, (iii) that is levying at its maximum

1 tax rate, (iv) whose total equalized assessed valuation has
2 declined 20% in the prior 2 years, (v) in which 80% or more of
3 its students receive free or reduced-price lunch, and (vi) that
4 had an equalized assessed valuation of less than \$207 million
5 but more than \$203 million in the 2011 levy year may annually
6 transfer money from any fund of the district, other than the
7 Illinois Municipal Retirement Fund and the Bonds and Interest
8 Fund, to the educational fund, the operations and maintenance
9 fund, or the transportation fund of the district by proper
10 resolution following a public hearing set by the school board
11 or the president of the school board, with notice as provided
12 in subsection (a) of this Section, so long as the district
13 meets the qualifications set forth in this subsection (b) on
14 the effective date of this amendatory Act of the 98th General
15 Assembly even if the district does not meet those
16 qualifications at the time a given transfer is made.

17 (Source: P.A. 95-53, eff. 8-10-07; 96-1201, eff. 7-22-10.)

18 Section 10. The Tort Liability of Schools Act is amended by
19 adding Section 9.5 as follows:

20 (745 ILCS 25/9.5 new)

21 Sec. 9.5. Tort immunity fund transfers. Notwithstanding
22 any provision of the School Code to the contrary, if a school
23 board determines that there are educational needs that will go
24 unmet because of a lack of funds in the district's educational,

1 operations and maintenance, and transportation funds, that
2 there exists a sufficient fund balance in the district's tort
3 immunity fund to meet those educational needs, and that a
4 transfer will not cause the district to realize increased tort
5 exposure, then the school board of any school district (i) that
6 is subject to the Property Tax Extension Limitation Law, (ii)
7 that has a population of less than 500,000 inhabitants, (iii)
8 that is levying at its maximum tax rate, (iv) whose total
9 equalized assessed valuation has declined 20% in the prior 2
10 years, (v) in which 80% or more of its students receive free or
11 reduced-price lunch, and (vi) that had an equalized assessed
12 valuation of less than \$207 million but more than \$203 million
13 in the 2011 levy year may annually transfer money from the tort
14 immunity fund of the district to the educational fund, the
15 operations and maintenance fund, or the transportation fund of
16 the district by proper resolution following a public hearing
17 set by the school board or the president of the school board,
18 with notice as provided in subsection (a) of Section 17-2A of
19 the School Code, so long as the district meets the
20 qualifications set forth in this Section on the effective date
21 of this amendatory Act of the 98th General Assembly even if the
22 district does not meet those qualifications at the time a given
23 transfer is made."